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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,353	06/01/2001	Brian R. McCarthy	2991-US-B1	3630

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EXAMINER
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NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1788

NOTIFICATION DATE	DELIVERY MODE
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04/21/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/872,353	<b>Applicant(s)</b> MCCARTHY ET AL.	
	<b>Examiner</b> PATRICIA L. NORDMEYER	<b>Art Unit</b> 1788	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 314-318,320,321,324-328,330,333,335-338,356,410 and 443-446 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 314-318,320,321,324-328,330,333,335-338,356,410 and 443-446 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 1788

## **DETAILED ACTION**

### **Withdrawn Rejections**

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn due to Applicant's amendments and arguments in the response dated March 29, 2011.

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 314 - 316, 321, 325, 330, 336, 337, 356, 410, 443, 444, 446, 448, 449, 453, 455, 459, 462, 463, 465 and 466 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (USPN 5,219,183) in view of Mallya et al. (USPN 5,656,705).

McKillip discloses sheet of printable business cards (Figures), comprising: a paper cardstock sheet (Column 3, lines 60 - 66); a continuous liner sheet releasably secured to the paper cardstock sheet with adhesive (Figures 1 and 2, #14, 16 and 18); continuous through-cut lines through the paper cardstock sheet but not through the continuous liner sheet (Column 3, lines 17 - 22); and the continuous through-cut lines defining at least in part perimeter edges of a printable business card in the paper cardstock sheet (Column 3, lines 17 - 22); wherein: the printable business card has a surface that is coupled to the adhesive (Figure 2, #12a and 18), and

Art Unit: 1788

the printable business card is configured to be removed from the continuous liner sheet exposing the adhesive on the continuous liner sheet and the non-tacky printable business card's surface (Figure 1, #12a; Column 3, lines 23 - 32) as in claims 314, 443 and 444. With regard to claims 315 and 448, the sheet of printable business cards has dimensions of  $8\frac{1}{2}$  x 11 inches,  $8\frac{1}{2}$  x 14 inches or A4 (Column 2, lines 65 - 66, wherein letter size is  $8\frac{1}{2}$  x 11 inches). For claims 321 and 453, the printable business card is a first printable business card (Figure 1, #12a); the continuous through-cut lines define at least in part perimeter edges of a second printable business card in the paper cardstock sheet (Figure 1, #12b); and the first printable business card and the second printable business card abut one another and are separated only by one of the through-cut lines (Column 3, lines 2 - 4). In claims 330 and 459, the sheet of printable business cards is configured to be printed using a non-impact printer (Figure 6; Column 2, lines 13 and 14). Regarding claims 336 and 462, the adhesive covers the entirety of the surface of the printable business card (Figure 2, #18). As in claims 337 and 463, the continuous liner sheet comprises a base paper sheet (Column 4, lines 27 - 36). With regard to claims 410 and 466, the paper cardstock sheet has a back side; and the continuous liner sheet covers all of the back side of the paper cardstock sheet (Figures 1 and 2). For claim 446, the non-tacky printable business card's surface is configured to accept writing (Column 3, lines 11 - 16). However, McKillip fails to disclose and ultraremovable adhesive, the ultraremovable adhesive is a suspension-polymer ultraremovable adhesive, the ultraremovable adhesive is a water-based acrylic suspension polymer adhesive, the ultraremovable adhesive provides only partial contact with the paper cardstock sheet and the partial contact prevents the ultraremovable adhesive from becoming permanent over time.

Art Unit: 1788

Mallya et al. teach an ultraremovable adhesive made from a water based acrylic suspension-polymer for use with labels and notepads (Abstract; Column 1, lines 4 - 7) that has good storage stability and improvement in adhesive properties (Column 2, lines 33 - 35). The microspheres in the suspension (Column 2, lines 10 - 16) are deemed to provide only partial contact with the cardstock sheet and the partial contact prevents the ultraremovable adhesive from becoming permanent over time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the suspension-polymer ultraremovable adhesive of Mallya et al. as the ultraremovable adhesive in McKillip in order to improve stability and the adhesive properties.

3. Claims 324, 333, 335, 454, 460 and 461 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (USPN 5,219,183) in view of Mallya et al. (USPN 5,656,705) as applied to claims 314 and 443 above, and further in view of Popat et al. (USPN 5,407,718).

McKillip, as modified with Mallya et al., disclose a sheet of printable business cards, comprising: a paper cardstock sheet; a continuous liner sheet releasably secured to the paper cardstock sheet with ultraremovable adhesive; continuous through-cut lines through the paper cardstock sheet but not through the continuous liner sheet; and the continuous through-cut lines defining at least in part perimeter edges of a printable business card in the paper cardstock sheet; wherein: the printable business card has a surface that is coupled to the ultraremovable adhesive, and the printable business card is configured to be removed from the continuous liner sheet

Art Unit: 1788

exposing the ultraremovable adhesive on the continuous liner sheet and the non-tacky printable business card's surface. However, the modified McKillip fails to disclose the continuous through-cut lines include a grid of vertical and horizontal through-cut lines, one of the continuous through-cut lines extends an entire width or length of the paper cardstock sheet, the continuous through-cut lines include horizontal and vertical through-cut lines, and a topmost one of the horizontal through-cut lines extends an entire width of the paper cardstock sheet.

Popat et al. teach where in the printable tag/label is a first printable business card; the continuous through-cut lines define at least in part perimeter edges of a second printable tags/labels in the cardstock sheet; and the first printable tags/labels and the second printable tags/labels abut one another and are separated only by one of the through-cut lines and wherein the continuous through-cut lines include a grid of vertical and horizontal through-cut lines (Figures 1 and 2). Popat further discloses that one of the continuous through-cut lines extends an entire width or length of the cardstock sheet and the continuous through-cut lines include horizontal and vertical through-cut lines, and a topmost one of the horizontal through-cut lines extends an entire width of the cardstock sheet (Figures 1 and 2) for the purpose of forming individual structures are removable and separate from each other (Column 2, lines 3 - 12).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the cut lines in the modified McKillip in order to form individual structures are removable and separate from each other as taught by Popat et al.

Art Unit: 1788

The preamble/limitation "business card" is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. Applicant has defined that "business card" as the cut out portion or separable portion of the sheet construction (specification page 1, paragraph 2 and pages 4-5, paragraph 10). McKillip's cards and Popat's labels are deemed to meet this limitation because they all also the cut out portions of the paper to be printed.

4. Claims 317, 318, 320 and 450 - 452 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (USPN 5,219,183) in view of Mallya et al. (USPN 5,656,705) as applied to claims 314 and 443 above, and further in view of Yoshizawa et al. (USPN 5,670,226).

McKillip, as modified with Mallya et al., disclose a sheet of printable business cards, comprising: a paper cardstock sheet; a continuous liner sheet releasably secured to the paper cardstock sheet with ultraremovable adhesive; continuous through-cut lines through the paper cardstock sheet but not through the continuous liner sheet; and the continuous through-cut lines defining at least in part perimeter edges of a printable business card in the paper cardstock sheet; wherein: the printable business card has a surface that is coupled to the ultraremovable adhesive, and the printable business card is configured to be removed from the continuous liner sheet exposing the ultraremovable adhesive on the continuous liner sheet and the non-tacky printable business card's surface. However, the modified McKillip fails to disclose a primer coat between

Art Unit: 1788

the ultraremovable adhesive and the continuous liner sheet, the primer coat is a polyvinyl alcohol-based primer with silicate and the continuous liner sheet is a primer-coated liner sheet.

Yoshizawa discloses a primer coat comprising a polyvinyl alcohol-based primer with silicate (Column 9, lines 30-38). The primer layer helps anchor the adhesive to another layer when adhesion is low (Column 9, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the primer layer disclosed by Yoshizawa between the ultraremovable adhesive and the continuous liner sheet of the modified McKillip in order to ensure that the adhesive is anchored to the continuous liner sheet.

5. Claims 326, 327, 456 and 457 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (USPN 5,219,183) in view of Mallya et al. (USPN 5,656,705) as applied to claims 314 and 443 above, and further in view of Hickenbotham et al. (USPN 4,704,317).

McKillip, as modified with Mallya et al., disclose a sheet of printable business cards, comprising: a paper cardstock sheet; a continuous liner sheet releasably secured to the paper cardstock sheet with ultraremovable adhesive; continuous through-cut lines through the paper cardstock sheet but not through the continuous liner sheet; and the continuous through-cut lines defining at least in part perimeter edges of a printable business card in the paper cardstock sheet; wherein: the printable business card has a surface that is coupled to the ultraremovable adhesive,



Art Unit: 1788

and the printable business card is configured to be removed from the continuous liner sheet exposing the ultraremovable adhesive on the continuous liner sheet and the non-tacky printable business card's surface. However, the modified McKillip fails to disclose the sheet of printable business cards has a body portion and a thin end which is thinner than the body portion and the thin end is a calendared end.

Examiner's comment: The limitation "the printable business card sheet is calendared" is a process limitation. However, this process limitation does add structure to the end product by crushing, compressing, making the calendared end thinner. So, for purposes of examination, any process that results in a crushed, compressed or thinner end is taken to anticipate the limitation "the printable business card sheet is calendared," since the method of forming the product is not germane to the issue of patentability of the product itself.

Hickenbotham et al. teach crushing the corner of label stock for use in printers or copier to provide a diagonal path of relatively low stiffness (Column 6, lines 9-16). The low stiffness in the front edge of the sheet allows the sheet to be dispensed through the printer or copier with greater easier (Column 1, lines 38-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to crush the edge of the sheet of the modified McKillip as taught by Hickenbotham et al., in order to make the edge thinner than the rest of the sheet and to facilitate dispensing. One of ordinary skill in the art would have been motivated to crush the edge of the sheet because

Art Unit: 1788

crushing the edge would provide a path of relatively low stiffness and would make the sheet easier to be dispensed through a printer as taught by Hickenbotham et al. at col. 1, lines 38-51. It is desirable to have the sheet be easily dispensed through a printer so that the sheet does not get jammed in the printer.

6. Claims 328 and 458 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (USPN 5,219,183) in view of Mallya et al. (USPN 5,656,705) as applied to claims 314 and 443 above, and further in view of Hollis et al. (U.S. Patent No. 5,622,758).

McKillip, as modified with Mallya et al., disclose a sheet of printable business cards, comprising: a paper cardstock sheet; a continuous liner sheet releasably secured to the paper cardstock sheet with ultraremovable adhesive; continuous through-cut lines through the paper cardstock sheet but not through the continuous liner sheet; and the continuous through-cut lines defining at least in part perimeter edges of a printable business card in the paper cardstock sheet; wherein: the printable business card has a surface that is coupled to the ultraremovable adhesive, and the printable business card is configured to be removed from the continuous liner sheet exposing the ultraremovable adhesive on the continuous liner sheet and the non-tacky printable business card's surface. However, the modified McKillip fails to disclose that the liner sheet end edge extends out to form a narrow exposed strip extending the entire width of the liner sheet or that the narrow exposed strip is approximately ½ inch wide.

Art Unit: 1788

Hollis discloses a label sheet comprising a backing sheet and one or more labels affixed to the backing with adhesive (Column 5, line 62 - Column 6, line 20). The backing sheet has a leading edge and a trailing edge that extends out to form a narrow exposed strip extending the entire width of the liner sheet (Column 5, line 67 - Column 6, line 1; Figures 3 and 4). The label sheet is easily loaded into machinery (Column 4, lines 49-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the modified McKillip liner sheet end edge extends out to form a narrow exposed strip extending the entire width of the liner sheet as taught by Hollis in order to make the sheet material easy to load into machinery. The exact size of the narrow exposed strip of the liner sheet is deemed to be a result effective variable. It would have been obvious to one having ordinary skill in the art to have determined the optimum value of a result effective variable, such as size of the narrow exposed strip, through routine experimentation in the absence of a showing of criticality in the claimed combined thickness. MPEP 2144.05 II B.

7. Claims 338, 447 and 464 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (USPN 5,219,183) in view of Mallya et al. (USPN 5,656,705) as applied to claims 314 and 443 above, and further in view of Carlson (USPN 5,842,722).

McKillip, as modified with Mallya et al., disclose a sheet of printable business cards, comprising: a paper cardstock sheet; a continuous liner sheet releasably secured to the paper cardstock sheet with ultraremovable adhesive; continuous through-cut lines through the paper

Art Unit: 1788

cardstock sheet but not through the continuous liner sheet; and the continuous through-cut lines defining at least in part perimeter edges of a printable business card in the paper cardstock sheet; wherein: the printable business card has a surface that is coupled to the ultraremovable adhesive, and the printable business card is configured to be removed from the continuous liner sheet exposing the ultraremovable adhesive on the continuous liner sheet and the non-tacky printable business card's surface. However, the modified McKillip fails to disclose the paper cardstock sheet is a top-coated paper cardstock sheet and the cardstock sheet includes a layer is selected from the group consisting of a face coat layer and a back coat layer.

Carlson discloses a printable laminate useful in forming die-cut identification cards, labels, etc. (Column 1, lines 16-18). The printable laminate includes die cut cards, which are coated with an ink receptive coating (Column 19, line 50 - Column 20, line 3). The ink receptive coating provides good ink image retention and adhesive retention (Column 20, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Carlson's ink receptive coating to the cardstock sheet of in the modified McKillip in order to enhance the adhesion of the ink to the label. One of ordinary skill in the art would have been motivated to employ Carlson's ink receptive coating because of the improved image retention and adhesive retention of the ink (Column 20, lines 1-3). It is desirable to enhance the adhesion of the ink to the label so that the ink would not rub off after being applied to the label.

Art Unit: 1788

### **Response to Arguments**

8. Applicant's arguments with respect to claims 314-318, 320, 321, 324-328, 330, 333, 335-338, 356, 410 and 443-446 have been considered but are moot in view of the new ground(s) of rejection.

With regard to the 112 22<sup>nd</sup> rejections, they have been withdrawn due to Applicant's amendments to the claims.

With regard to Applicant's argument that the Capozzola fails to disclose an ultraremovable adhesive and that an ultraremovable adhesive would not work with the invention of Capozzola, please see the newly presented rejection of McKillip (USPN 5,219,183) in view of Mallya et al. (USPN 5,656,705).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA L. NORDMEYER whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Fri. from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alicia Chevalier can be reached on (571) 272-1490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1788

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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